

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KAREN ANN PHILIPS	:	CIVIL ACTION
	:	
v.	:	No. 13-3832
	:	
NANCY GIROUX, et al.	:	

ORDER

AND NOW, this 3rd day of June, 2014, upon careful and independent consideration of Petitioner Karen Ann Philips's pro se Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody and after review of the Report and Recommendation of United States Magistrate Judge Henry S. Perkin, to which no objections have been filed,¹ it is ORDERED:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The Petition for Writ of Habeas Corpus is DISMISSED as untimely;²
3. There is no probable cause to issue a certificate of appealability; and
4. The Clerk of Court is DIRECTED to mark this case CLOSED.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.

¹ The Report and Recommendation was sent to all parties of record on January 23, 2013, together with a Notice from the Clerk of Court advising the parties of their obligation to file any objections to the Report and Recommendation within 14 days after service thereof. *See* Local R. Civ. P. 72.1 IV(b) ("Any party may object to a magistrate judge's proposed findings, recommendations or report under 28 U.S.C. § 636(b)(1)(B), and subsections 1(c) and (d) of this Rule within fourteen (14) days after being served with a copy thereof."). As of today's date, no objections have been filed.

² This Court agrees with Judge Perkins's conclusion that Phillips's petition is untimely because, among other reasons, Philips was not under the age of 18 at the time of her crimes and the Supreme Court's holding in *Miller v. Alabama*, 132 S. Ct. 2455 (2012) therefore provides no grounds for relief from the statute of limitations. *See* 28 U.S.C. § 2244(d)(1)(C). No other bases for tolling are present, and in the absence of any objections, this Court adopts the Report and Recommendation in full.